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FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joeanna Joel DOMINGUEZ

Defendant.

BY: **'07 MJ 2732**  
Magistrate Case No. PM DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 21, 2007**, within the Southern District of California, defendant **Joeanna Joel DOMINGUEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Mario PONCE-Teytud**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF  
NOVEMBER, 2007.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Sara Esparagoza, declare under penalty of perjury the following to be true and correct:

The complainant states that **Mario PONCE-Teytud** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

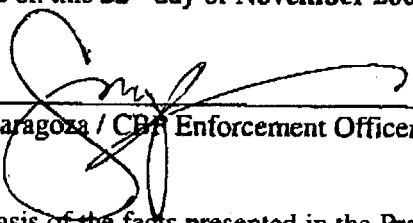
On November 21, 2007, at approximately 7:15 p.m., **Joeanna Joel DOMINGUEZ (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a silver, 2002 Chevrolet Avalanche. Defendant declared United States citizenship and presented a California identification card to a Customs and Border Protection (CBP) Officer. Defendant claimed ownership of the vehicle, provided a Department of Motor Vehicles (DMV) registration and gave two negative Customs declarations. The CBP officer suspected the DMV registration was counterfeit based on the poor print and document quality. Defendant and vehicle were escorted to secondary for further inspection.

In secondary, a vehicle inspection was conducted by a Canine Enforcement Officer (CEO) and his service canine, which alerted to the rear seat of the vehicle. Upon further inspection, the officer noticed what appeared to be a human concealed behind the rear seat. CBP Officers assisted in removing the rear seat of the vehicle, and extracted two persons from a non-factory compartment. Further investigation revealed the two individuals to be citizens of Mexico without entitlements to enter the United States, one of which is now identified as **Mario PONCE-Teytud (Material Witness)**.

During a videotape proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge to smuggling at least one alien hidden behind the rear seat, in a non-factory compartment of the vehicle. Defendant stated she agreed to smuggle the alien for monetary gain to pay off a debt owed by her brother. Defendant stated the total debt amounted to approximately \$10,000.00 USD.

On a separate videotaped interview, Material Witness admitted he is a citizen of Mexico and does not possess legal rights to enter the United States. Material Witness stated he intended to travel to San Fernando, California to seek employment and residency. Material Witness stated he made arrangements with an unknown male and agreed to pay \$2,500.00 USD to be smuggled into the United States.

Executed on this 22<sup>nd</sup> day of November 2007 at 0900.

  
Sara Esparagoza / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **November 21, 2007** in violation of Title 8, United States Code, Section 1324.

  
United States Magistrate Judge

11/23/07 @ 11:46 a.m.  
DATE/TIME